

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PPV CONNECTION, INC.

Plaintiff

vs.

CELSO JIMENEZ RODRÍGUEZ, ET ALS.

Defendants

CIVIL NO: 04-1583 (JAF)

RE: CIVIL ACTION
VIOLATION OF 47 USC 553
AND 47 USC 605

DEFAULT JUDGMENT

On June 21, 2004, PPV, Inc. filed suit among others, against:

Celso Jiménez Rodríguez, his wife Jane Doe and the conjugal partnership between them d/b/a Restaurant El Boricua

Daniel Rivera, his wife Jane Doe and the conjugal partnership between them d/b/a By Side

Alba Lugo, her husband John Doe and the conjugal partnership between them d/b/a La Casita

José Valle Pérez his wife Jane Doe and the conjugal partnership between them; Vilma Rosa her husband John Doe and the conjugal partnership between them d/b/a La Taberna De Los Gladiadores

Melquíades Torres Moreno, his wife Jane Doe and the conjugal partnership between them d/b/a Kassandras Café

Francisco Sánchez Santiago, his wife Jane Doe and the conjugal partnership between them d/b/a Colmado Cafetín Coll y Toste

José Colón Pérez, his wife Jane Doe and the conjugal partnership between them d/b/a Cafetín Parcelas Candelarias y/o La Nueva Esquina

Edgardo Alicea Mercado, his wife Jane Doe and the conjugal partnership between them; Angel Díaz his wife Jane Doe and the conjugal partnership between them d/b/a Broadway Bar & Grill

Mr. John (Fictitious) Acosta, his wife Jane Doe and the conjugal partnership between them d/b/a La Terraza Acosta

Josean González, his wife Jane Doe and the conjugal partnership between them d/b/a Negocio La Loma

Rafy Doe (Fictitious), his wife Jane Doe and the conjugal partnership between them d/b/a Casa Agrícola

Luis Rosario, his wife Jane Doe and the conjugal partnership between them d/b/a Rakajanga

José López, his wife Jane Doe and the conjugal partnership between them d/b/a Bajamas Pubs

Roberto Luciano González, his wife Jane Doe and the conjugal partnership between them d/b/a Ñames Bar

Mickey Rodríguez, his wife Jane Doe and the conjugal partnership between them d/b/a Negocio De Mickey

Roberto Grau, his wife Jane Doe and the conjugal partnership between them d/b/a Cafe Jayuya

Angel L. Rodríguez, his wife Jane Doe and the conjugal partnership between them d/b/a La Familia

Javier Muñoz, his wife Jane Doe and the conjugal partnership between them d/b/a Robert

Pedro Luis Figueroa Figueroa, his wife Jane Doe and the conjugal partnership between them d/b/a Peter Pizza

Félix Aponte, his wife Jane Doe and the conjugal partnership between them d/b/a Restaurant La Resaca

María Figueroa, her husband John Doe and the conjugal partnership between them d/b/a Vista Del Tablado

Carlos Turpo his wife Jane Doe and the conjugal partnership between them d/b/a Colmado Sport

Angel Machado Rivera, his wife Jane Doe and the conjugal partnership between them d/b/a El Deportivo; María Roe (Fictitious) her husband and the conjugal partnership between them d/b/a El Deportivo

Kenny Meléndez, his wife Jane Doe and the conjugal partnership between them; Ramonita Reyes her husband John Doe and the conjugal partnership between them d/b/a Cafetín Román

Luis Natale, his wife Jane Doe and the conjugal partnership between them d/b/a Frikies

Juan Luis Ramos, his wife Jane Doe and the conjugal partnership between them d/b/a Barrita Don Billy

Sandro Pérez, his Wife Jane Doe and the conjugal partnership between them d/b/a El Bambú Pub

Catalino Quintana, his wife Jane Doe and the conjugal partnership between them d/b/a Malibus Café

Mr. John (Fictitious) González, his wife Jane Doe and the Conjugal partnership between them d/b/a 4 Vientos

Mr. John (Fictitious) Cuevas, his wife Jane Doe and the conjugal partnership between them d/b/a La Muralla De Tin

John Roe (Fictitious), his wife Jane Doe and the conjugal partnership between them d/b/a Sandwichera y/o El Resbalón

Luis Maldonado, his wife Jane Doe and the conjugal partnership between them d/b/a Negocio Donde Pica El Peje

Jacinto Pérez Cintrón, his wife Jane Doe and the conjugal partnership between them d/b/a Oveja Negra

Jorge L. Colón, his wife Jane Doe and the conjugal partnership between them d/b/a El Nuevo Paraíso

Jaime L. Morales Ortiz, his wife Jane Doe and the conjugal partnership between them d/b/a Panadería Jaime L. Drew

Carmen M. López, her husband John Doe and the conjugal partnership between them d/b/a La Casita Criolla

José Santos, his wife Jane Doe and the conjugal partnership between them d/b/a Negocio Agencia Hipica 893; Marta Bermúdez and her husband John Doe and the conjugal partnership between them d/b/a Negocio Agencia Hípica 893

Gerardo Pérez, his wife Jane Doe and the conjugal partnership between them d/b/a El Sambo

Margarita Medina, her husband John Doe and the conjugal partnership between them d/b/a Gerardo Soler Colmado

Raúl Bosque, his wife Jane Doe and the conjugal partnership between them d/b/a Don Raul's

Janette López, her husband John Doe and the conjugal partnership between them d/b/a La Gran Parada

Carmen Medina, her husband John Doe and the conjugal partnership between them d/b/a Colmado Vista Hermosa

Francisco Román Medina, his wife Jane Doe and the conjugal partnership between them d/b/a Jaranas Bar & Café

Ricardo Torres Morales, his wife Jane Doe and the conjugal partnership between them d/b/a El Pilomático

Mr. Rusberto Rivera Bonilla, his wife Jane Doe and the conjugal partnership between them d/b/a Barrita Manolo

Angel Hernández, his wife Jane Doe and the conjugal partnership between them d/b/a La República

René Camacho, his wife Jane Doe and the conjugal partnership between them d/b/a Restaurante Amigos de René

William Torres, his wife Jane Doe and the conjugal partnership between them d/b/a Colmado Willie

Luis Cintrón, his wife Jane Doe and the conjugal partnership between them d/b/a Kayros Bar & Grill

Nilsa Vega, her husband Marcelino Santiago and the conjugal partnership between them d/b/a La Pequeña Bodega

The lawsuit charged the defendants with a violation of Section 705 of the Federal Communications Act of 1934, as amended, 47 U.S.C. §553 and §605.

Upon failure of above identified defendants to timely file an answer or any other responsive pleading, default was entered against them on April 19, 2005.

Thereafter plaintiff filed a Motion Requesting Judgment by Default, Memorandum of Law in support thereof, the statement under penalty of perjury of Ms. Jennifer Marín-López and other sworn statements as exhibits thereto. Based on said documents the Court finds as follows:

The plaintiff established through competent evidence that damages are appropriate as a result of defendants' illegal misappropriation of plaintiff transmission. The statement under penalty of perjury of Ms. Jennifer Marín-López and the investigators affidavits, establish a willful violation of the Communications Act of 1934,

as amended, 47 U.S.C. §605(a)(3)(C)(i) and 47 U.S.C. §605(a)(3)(C)(ii), for the direct or indirect commercial benefit of the above-named defendants.

The court assesses statutory damages under 47 U.S.C. §605(a)(3)(C)(i) and 47 U.S.C. §605(a)(3)(C)(ii), plus attorney's fees and costs. At this time, the court will not grant damages pursuant to 47 U.S.C. §553. The court notes, however, that any further violations of the Communications Act will entail the imposition of the maximum amount of damages of \$100,000.00.

Therefore, after careful consideration, it is:

ORDERED AND ADJUDGED as follows:

1. This court has personal jurisdiction over the parties and the subject matter herein;
2. The default entered on April 19, 2005, by the Clerk of this Court against the above-named defendants is hereby ratified;
3. Default Judgment is hereby entered in favor of Plaintiff, PPV Connection, Inc., who shall recover from **each** of the above-named defaulted defendants statutory damages pursuant to 47 U.S.C. §605(a)(3)(C)(i) and (ii) in the amount of **TEN THOUSAND DOLLARS (\$10,000.00)** as a result of defendants committing such acts willfully and for their direct or indirect commercial advantage; plus costs and attorney's fees in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)** against **each** defendant.

In San Juan, Puerto Rico, this 7th day of September, 2005.

S/José Antonio Fusté
JOSE ANTONIO FUSTE
Chief U. S. District Judge